

GREGORY M. SALVATO (SBN 126285)

Gsalvato@salvatoboufadel.com

JOSEPH BOUFADEL (SBN 267312)

Jboufadel@salvatoboufadel.com

SALVATO BOUFADEL LLP

9110 Irvine Center Drive

Irvine, California 92618

Telephone: (213) 484-8400

Attorneys / Local Counsel for Defendant

SLATE ADVANCE LLC

[Caption Continued on Next Page]

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re:

THE LITIGATION PRACTICE GROUP
P.C.,

Debtor.

RICHARD A. MARSHACK, Trustee of
the LPG Liquidation Trust,

Plaintiff,

v.

WORLD GLOBAL FUND, LLC, *et al.*,

Defendants.

Case No. 8:23-bk-10571-SC

Chapter 11

Adv. Proc. No. 8:25-ap-01105-SC

**Defendant Slate Advance LLC's Motion to
Dismiss Trustee's Adversary Complaint;
Memorandum of Points and Authorities;
Declaration of Phillip Klein in Support**

Hearing Date Per Approved Standing Dates
[Standing Order: Dkt. No. 5 at ¶ 10]:

Date: July 3, 2025

Time: 1:30 p.m.

Place: Courtroom 5C

411 West Fourth Street
Santa Ana, CA 92701

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1 Caption Continuation Page:

2 SHANNA M. KAMINSKI (P74013)

3 *To be Admitted Pro Hac Vice*

4 KAMINSKI LAW, PLLC

5 PO Box 247

6 Grass Lake, Michigan 49240-0247

7 Telephone: (247) 462-7111

8 skaminski@kaminskilawpllc.com

9 Attorneys for Defendant

10 SLATE ADVANCE LLC

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MEMORANDUM OF POINTS AND AUTHORITIES

IN SUPPORT OF

MOTION TO DISMISS TRUSTEE’S ADVERSARY COMPLAINT

Defendant Slate Advance, LLC (“**Slate Advance**”), by and through its undersigned counsel, moves to dismiss the complaint of Plaintiff and Trustee Richard A. Marshack, Trustee of the LPG Liquidation Trust (“**Trustee**”), on the grounds that the complaint fails to state a claim upon which relief can be granted against the Defendant under Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to these proceedings under Rule 7012 of the Federal Rules of Bankruptcy Procedure.

1. Introduction.

The Trustee seeks to make Slate Advance liable for every claim alleged in the Complaint based solely on an alter ego theory of liability. (Dkt. No. 1: Complaint at ¶¶ 26, 128). The Trustee does not allege that Slate Advance was itself a recipient of an avoidable transfer or the amount of such avoidable transfers. (Complaint ¶¶ 90 & 92). Instead, Slate Advance has been named as a defendant in this case by the Trustee’s unsupported claims that it is an alter ego of World Global Fund, LLC (“**World Global**”), Shia Dembitzer (“**Dembitzer**”) and/or Solomon Feig (“**Feig**”). World Global, Dembitzer, and Feig do not have an ownership interest in Slate Advance—the most fundamental requirement of an alter ego claim—and are not officers or operators of the Slate Advance and never had control over Slate Advance. (Phillip Klein Declaration ¶¶ 2-5).

Additionally, the Complaint contains insufficient factual allegations to plausibly plead a claim that Defendant Slate Advance is the alter ego of World Global, Dembitzer, or Feig, and the claim that Slate Advance would liable if it was an alter ego is unsupported. As the alter ego claim has not been properly pleaded and is implausible on its face, dismissal of the Complaint against Slate Advance is warranted.

1 **2. Relevant Factual Background.**

2 The Trustee initiated this action on March 10, 2025 (Dkt. No. 1). The factual
3 allegations in the Complaint related to Defendant Slate Advance are limited and
4 summarized as follows:

5 • Various entities are alter egos of Dembitzer, Feig, and World Global.
6 (Complaint ¶ 128). Slate Advance is listed as one such entity and lumped into the defined
7 term “Alter Egos.” (*Id.*).

8 • The Alter Egos “potentially received, hold, or otherwise benefitted from
9 monies that were wrongfully taken by Dembitzer, Feig and World Global as part of the
10 Ponzi Scheme.” (Complaint ¶ 128).

11 • Dembitzer and Feig did not recognize or follow corporate formalities when
12 they created the Alter Egos. (Complaint ¶ 129).

13 • Upon information and belief, the Alter Egos were set up to avoid detection
14 of asset transfers. (Complaint ¶ 130).

15 • On information and belief, the Alter Egos shared office space with multiple
16 assumed names and LLCs. (Complaint ¶ 131).

17 • On information and belief, these Alter Egos received and/or hold funds from
18 World Global that are the subject of this Complaint. (Complaint ¶ 132).

19 • On information and belief, World Global, Dembitzer, and Feig created these
20 Alter Egos to conceal monies from LPG and LPG creditors to the benefit of World
21 Global, Dembitzer, and Feig. (Complaint ¶ 134).

22 • Dembitzer and/or Feig are owners, operators, and/or officers of each Alter
23 Ego of World Global. (Complaint ¶¶ 133 & 135).

24 • Among the transactions discovered in Optimum’s bank records are
25 significant sums of money moving from the World Global entities to the Alter Egos.
26 (Complaint ¶ 158).

27 The Trustee’s allegations are insufficient to establish that Slate Advance is an alter
28 ego of World Global, Dembitzer, and/or Feig.

1 **3. Legal Arguments.**

2 **3.1. Legal standard governing a motion to dismiss.**

3 Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to these
4 proceedings by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, “tests the
5 legal sufficiency of the claims asserted in the complaint.” *Ileto v. Glock, Inc.*, 349 F.3d
6 1191, 1199-1200 (9th Cir. 2003). “Dismissal can be based on the lack of a cognizable
7 legal theory or the absence of sufficient facts alleged under a cognizable legal theory.”
8 *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1990).

9 Federal Rule 12(b)(6) must be read in conjunction with Federal Rule 8(a), which
10 requires “a short and plain statement of the claim showing that the pleader is entitled to
11 relief.” Fed. R. Civ. P. 8(a)(2); *see Ileto*, 349 F.3d at 1200. “While legal conclusions can
12 provide the framework of a complaint, they must be supported by factual allegations.”
13 *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). To plead sufficiently, a plaintiff must proffer
14 “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v.*
15 *Twombly*, 550 U.S. 544, 570 (2007). “[W]here the well-pleaded facts do not permit the
16 court to infer more than a mere possibility of misconduct,” the complaint is subject to
17 dismissal. *Iqbal*, 556 U.S. at 679. “A claim has facial plausibility when the plaintiff
18 pleads factual content that allows the court to draw the reasonable inference that the
19 defendant is liable for the misconduct alleged.” *Id.* at 678. “Threadbare recitals of the
20 elements of a cause of action, supported by mere conclusory statements, do not suffice.”
21 *Id.*

22 In ruling on a motion to dismiss, the court “accept[s] factual allegations in the
23 complaint as true and construe[s] the pleadings in the light most favorable to the
24 nonmoving party.” *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031
25 (9th Cir. 2008). “However, the court is not required to accept legal conclusions cast in the
26 form of factual allegations if those conclusions cannot reasonably be drawn from the facts
27 alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754-755 (9th Cir. 1994). Mere
28 “conclusory allegations of law and unwarranted inferences are insufficient to defeat a

1 motion to dismiss.” *Adams v. Johnson*, 355 F.3d 1179, 1183 (9th Cir. 2004) (quotes and
2 citation omitted).

3 **3.2. The Trustee fails to state a claim upon which relief may be granted**
4 **against Slate Advance because the Trustee has failed to plead a**
5 **plausible alter-ego claim.**

6 The Trustee seeks to make Slate Advance liable on all claims asserted in the
7 Complaint on the theory that it is an alter ego of World Global. As an initial matter, it is
8 unclear what persons or entities the Trustee claims Slate Advance is the alter ego of, as
9 the allegations in the Complaint are inconsistent. For example, in Paragraph 128 of the
10 Complaint, the Trustee alleges that Slate Advance is the alter ego of Dembitzer, Feig and
11 World Global. In Paragraph 135, however, the Trustee alleges certain entities are alter
12 egos of World Global and Dembitzer (not Feig) but does not include Slate Advance as one
13 of those entities.

14 What is clear is that there is a fundamental, threshold factual allegation missing to
15 establish that Slate Advance is an alter ego of World Global, which bars the claim. That
16 necessary but missing factual allegation is ownership. Under California law, “[o]wnership
17 is a pre-requisite to alter ego liability, and not a mere ‘factor’ or ‘guideline.’”
18 *CADC/RADC Venture 2011-1 LLC v. Bradley*, 235 Cal.App.4th 775, 789 (2015) *citing*
19 *S.E.C. v. Hickey*, 322 F.3d 1123, 1128 (9th Cir. 2003). Thus, if World Global does not
20 have an ownership interest in Slate Advance, Slate Advance cannot, as a matter of law, be
21 its alter ego.

22 To the point, the Complaint fails to allege that World Global has an ownership
23 interest in Slate Advance. Indeed, neither World Global nor Slate Advance have an
24 ownership interest in one another. (P. Klein declaration ¶¶ 2-5). As such, any claim that
25 Slate Advance is an alter ego of World Global is implausible on its face due to the lack of
26 this fundamental and threshold factual allegation.

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1 With respect to the claim that Feig or Dembitzer are alter egos of Slate Advance,
2 that claim is also implausible. The Trustee does allege, albeit without support,¹ that
3 “Dembitzer and/or Feig are owners, operators, and/or officers of each Alter Ego of World
4 Global,” thereby alleging the requirement of an ownership interest in Slate Advance.
5 However, the Complaint is devoid of factual allegations establishing all other elements of
6 the alter ego claim.

7 **3.3. The Trustee fails to plead the requisite elements for alter ego under**
8 **California law.**

9 The Complaint fails to allege the requisite elements for alter ego.

10 To plead an alter ego claim, sufficient facts to establish two elements must be
11 alleged: (1) “such a unity of interest and ownership between the corporation and its
12 equitable owner that the separate personalities of the corporation and the shareholder do
13 not in reality exist,” (2) “an inequitable result if the acts in question are treated as those of
14 the corporation alone.” *Gerritsen v. Warner Bros. Ent. Inc.*, 116 F.Supp.3d 1104, 1136
15 (C.D. Cal. 2015). “Conclusory allegations of ‘alter ego’ status are insufficient to state a
16 claim. Rather, a plaintiff must allege specific facts supporting both of the necessary
17 elements.” *Id. citing In re Currency Conversion Fee Antitrust Litigation*, 265 F.Supp.2d
18 385, 426 (S.D.N.Y.2003) (“These purely conclusory allegations cannot suffice to state a
19 claim based on veil-piercing or alter-ego liability, even under the liberal notice pleading
20 standard”); *Wady v. Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d
21 **1060, 1067 (C.D. Cal. 2002)** (“More pertinent for purposes of the current discussion,
22 none [of the allegations] contains any reference to UnumProvident being the alter ego of
23 Provident. None alleges that UnumProvident treats the assets of Provident as its own, that
24 it commingles funds with Provident, that it controls the finances of Provident, that it
25 shares officers or directors with Provident, that Provident is undercapitalized, or that the
26

27 ¹ Neither Dembitzer or Feig are owners, officers or operators of Slate Advance. (P. Klein
28 declaration ¶¶ 2-5).

1 separateness of the subsidiary has ceased”); *Kingdom 5–KR–41, Ltd. v. Star Cruises*
2 *PLC*, 2002 WL 432390, *12 (S.D.N.Y. Mar. 20, 2002) (“[I]n order to overcome the
3 presumption of separateness afforded to related corporations, [plaintiff] is required to
4 plead more specific facts supporting its claims, not mere conclusory allegations”);
5 *Hokama v. E.F. Hutton & Co., Inc.*, 566 F.Supp. 636, 647 (C.D.Cal.1983) (“Defendants
6 further argue that plaintiffs cannot circumvent the requirements for secondary liability by
7 blandly alleging that Madgett, Consolidated, and Frane are ‘alter egos’ of other defendants
8 accused of committing primary violations. This point is well taken.... If plaintiffs wish to
9 pursue such a theory of liability, they must allege the elements of the doctrine. Conclusory
10 allegations of alter ego status such as those made in the present complaint are not
11 sufficient”); *see also, Sandoval v. Ali*, 34 F.Supp.3d 1031, 1040–41 (N.D. Cal. 2014)
12 (“Plaintiffs’ alter ego allegations are too conclusory to survive a motion to dismiss.
13 Conclusory allegations of ‘alter ego’ status are insufficient to state a claim. Rather, a
14 plaintiff must allege specifically both of the elements of alter ego liability, as well as facts
15 supporting each. Not only are Plaintiffs’ allegations ‘on information and belief’ about a
16 unity of interest between all Defendants conclusory, but Plaintiffs have also not
17 adequately alleged that inequity would result from respecting the corporate form of
18 Defendants. Plaintiffs state conclusorily that ‘an inequity would result if the corporations
19 were not viewed as alter egos of each other and the [individual Ali Defendants], including
20 the inability on the part of the Corporate Defendants to satisfy a potential judgment in this
21 case which seeks wages and derivative penalties.’ California courts have rejected,
22 however, ‘the view that the potential difficulty a plaintiff faces collecting a judgment is an
23 inequitable result that warrants application of the alter ego doctrine.’ ‘The alter ego
24 doctrine does not guard every unsatisfied creditor of a corporation but instead affords
25 protection where some conduct amounting to bad faith makes it inequitable for the
26 corporate owner to hide behind the corporate form. Difficulty in enforcing a judgment or
27 collecting a debt does not satisfy this standard.”).

28 To show a unity of interest, the Trustee can plead a number of different factors.

1 *See, Staffing, Inc. v. United States*, 321 F.Supp.3d 1157, 1175–76 (C.D. Cal. 2018) (“To
2 determine whether a unity of interest exists under the alter ego doctrine, California courts
3 consider the following list of non-exhaustive factors: The commingling of funds and other
4 assets; the failure to segregate funds of the individual and the corporation; the
5 unauthorized diversion of corporate fluids to other than corporate purposes; the treatment
6 by an individual of corporate assets as his own; the failure to seek authority to issue stock
7 or issue stock under existing authorization; the representation by an individual that he is
8 personally liable for corporate debts; the failure to maintain adequate corporate minutes or
9 records; the intermingling of the individual and corporate records; the ownership of all the
10 stock by a single individual or family; the domination or control of the corporation by the
11 stockholders; the use of a single address for the individual and the corporation; the
12 inadequacy of the corporation's capitalization; the use of the corporation as a mere conduit
13 for an individual's business; the concealment of the ownership of the corporation; the
14 disregard of formalities and the failure to maintain arm's-length transactions with the
15 corporation; and the attempts to segregate liabilities to the corporation.”).

16 Generally, the examination and application of the factors must show that World
17 Global, Feig, or Dembitzer controlled Slate Advance “to such a degree to render the latter
18 mere instrumentality of the former” for the alter ego doctrine to be applicable. *Id.* at 1138.

19 These factors are also examined considering the purpose of the alter ego doctrine.
20 The purpose of the alter ego doctrine is to bypass the corporate entity to avoid
21 injustice...in narrowly defined circumstances and only when the ends of justice so
22 require.” *Cambridge Elecs. Corp. v. MGA Elecs., Inc.*, 227 F.R.D. 313, 325–26 (C.D. Cal.
23 2004). Essentially, plaintiff must assert the person or entity is “using the corporate form
24 unjustly and in derogation of the plaintiff’s interests” and, as such, “the equitable owner of
25 a corporation [should be] held liable for the actions of the corporation.” *Id.* at 325.
26 Courts are cautioned to apply this doctrine sparingly. *Id.* at 325-326 (“Because society
27 recognizes the benefits of allowing persons and organizations to limit their business risks
28 through incorporation, sound public policy dictates that imposition of alter ego liability be

1 approached with caution.”); *see also*, *Riot Games, Inc. v. Suga PTE, Ltd.*, 638 F.Supp.3d
2 1102, 1120 (C.D. Cal. 2022) (“[A]lter ego liability is an extreme remedy, sparingly
3 used”).

4 In short, California courts have made it clear that to properly plead an alter ego
5 claim, which California courts also label an extreme remedy that is to be used sparingly,
6 the complaint must allege specific facts supporting **both** elements of alter ego liability –
7 unity of interest and that application of the doctrine is necessary to avoid injustice.

8 Here, the allegations in the Complaint are conclusory—largely solely on
9 information and belief—that Slate Advance is an alter ego without any of the factual
10 development necessary to establish both elements of an alter ego claim. Not only have the
11 necessary allegations not been pleaded, but the allegations in the Complaint fail to show
12 application of the alter ego doctrine. In addition to being confusing and contradictory, the
13 allegations pleaded make it difficult to understand the Trustee’s basis for having Slate
14 Advance become liable on all claims alleged in this case.²

15 With respect to the element of unity of interest between Slate Advance and World
16 Global, Feig, or Dembitzer, the Trustee has not pleaded the necessary factors. There are
17 no allegations that Feig or Dembitzer treat the assets of Slate Advance as their own, that
18 they commingle funds with Slate Advance, that they control the finances of Slate
19 Advance, or that they share officers. *See, e.g. Wady*, 216 F.Supp.2d at 1067.

20 With respect to the element that inequity would result if Slate Advance (or any of
21 the purported alter egos) is not treated as an alter ego of World Global, Dembitzer, or
22 Feig, this element has not been alleged in the Complaint. It remains a mystery as to why
23 it would be inequitable if Slate Advance was not found to be an alter ego. And, notably,

24
25
26 ² In fact, there is clearly confusion on the part of the Trustee as to how the alter ego doctrine
27 works. If the Trustee establishes that Slate Advance is an alter ego of World Global or
28 Dembitzer or Feig, then the Court can disregard the corporate form of Slate Advance and
find World Global or Dembitzer or Feig liable for harm they caused by abusing Slate
Advance’s corporate form, not the other way around.

1 there are no allegations of any specific injury caused by Slate Advance to the estate or
2 Debtor.³

3
4 **4. Conclusion.**

5 The Complaint lacks the factual details necessary to establish why Slate Advance
6 has been added as a defendant in this action. Specifically, the Trustee has not included
7 factual allegations showing why application of the alter ego doctrine is necessary here to
8 make Slate Advance liable for all claims, how it could possibly be made liable for all
9 claims if it was deemed an alter ego, or what injustice would befall the Trustee if it was
10 not permitted to proceed with claims against Slate Advance. As such, Slate Advance
11 respectfully requests that the Motion be granted, and it be dismissed from this proceeding.

12
13 Date: May 12, 2025

SALVATO BOUFADEL LLP

14
15 */s/ Joseph Boufadel*

16 By: _____

Joseph Boufadel

Gregory M. Salvato

17
18 -and-

19 SHANNA M. KAMINSKI (P74013)

To be Admitted Pro Hac Vice

20 KAMINSKI LAW, PLLC

21 PO Box 247

Grass Lake, Michigan 49240-0247

22 Telephone: (247) 462-7111

23 skaminski@kaminskilawpllc.com

24 Attorneys for Defendant

SLATE ADVANCE LLC

25
26
27 ³ The lack of any injury being alleged puts into question whether the Trustee has Article
28 III standing to bring the claim. If the Trustee does not have Article III standing, this Court
does not have subject matter jurisdiction and the claims against Slate Advance should be
dismissed under Federal Rule 12(b)(1).

DECLARATION OF PHILLIP KLEIN
IN SUPPORT OF
MOTION TO DISMISS PLAINTIFF'S ADVERSARY COMPLAINT

I, Phillip Klein, declare and state as follows:

1. I am the Chief Executive Officer, sole owner, sole officer, and sole operator of Slate Advance, LLC ("**Slate Advance**"). Slate Advance is a limited liability company registered in the State of New York. I submit my declaration in support of Defendant Slate Advance's *Motion to Dismiss Trustee's Adversary Complaint*. The following facts are known to me of my own personal knowledge and if called as a witness, I could and would testify competently to the truth thereof.

2. World Global Fund, LLC ("**World Global**") does not have an ownership interest in Slate Advance and is not an officer or operator of Slate Advance. World Global does not have, and never had, control over Slate Advance and cannot direct its operations.

3. Shia Dembitzer ("**Dembitzer**") does not have an ownership interest in Slate Advance and is also not an officer or operator of Slate Advance. Dembitzer does not have, and never had, control over Slate Advance and cannot direct its operations.

4. Solomon Feig ("**Feig**") does not have an ownership interest in Slate Advance and is also not an officer or operator of Slate Advance. Feig does not have, and never had, control over Slate Advance and cannot direct its operations.

5. Slate Advance does not have an ownership interest in World Global.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12, 2025.



PHILLIP KLEIN

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Salvato Boufadel, LLP, 9110 Irvine Center Drive, Irvine, California 92618

A true and correct copy of the foregoing document entitled (*specify*):

1. **Defendant Slate Advance LLC's Motion to Dismiss Trustee's Adversary Complaint; Memorandum of Points and Authorities; Declaration of Phillip Klein in Support; and**
2. **Notice of Motion for: Defendant Slate Advance LLC's Motion to Dismiss Trustee's Adversary Complaint; Memorandum of Points and Authorities; Declaration of Phillip Klein in Support**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* **05/12/2025** I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Joseph Boufadel** *Local Counsel for Defendant Slate Advance LLC* jboufadel@salvatoboufadel.com, Gsalvato@salvatoboufadel.com;gsalvato@ecf.inforuptcy.com
- **Christopher Ghio** *Counsel for Plaintiff Richard A. Marshack, Trustee* Christopher.Ghio@dinsmore.com, angelica.urena@dinsmore.com
- **Karen Hockstad** *Counsel for Plaintiff Richard A. Marshack, Trustee* karen.hockstad@dinsmore.com, kim.beavin@dinsmore.com
- **Ira David Kharasch** ikharasch@pszjlaw.com
- **Michael Lundholm** mlundholm@londonstoutlaw.com
- **Richard A Marshack (TR)** pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
- **Victoria Newmark** vnewmark@pszjlaw.com, hdaniels@pszjlaw.com;bdassa@pszjlaw.com;hwinograd@pszjlaw.com
- **Brian A Paino** bpaino@hinshawlaw.com, hmosothoane@hinshawlaw.com;crico@hinshawlaw.com
- **Matthew Sommer** *Counsel for Plaintiff Richard A. Marshack, Trustee* matthew.sommer@dinsmore.com, carrie.davis@dinsmore.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* **05/12/2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Scott C. Clarkson
U.S. Bankruptcy Court
411 West Fourth Street, Suite 5130
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date)_____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/12/2025

Date

Joseph Boufadel

Printed Name

/s/ Joseph Boufadel

Signature